

Introduced by Senator Hernandez

(Principal coauthor: Assembly Member V. Manuel Pérez)

January 31, 2011

An act relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 135, as introduced, Hernandez. Health facilities.

Existing law provides for the licensure of health facilities by the State Department of Public Health.

This bill would make findings and declarations and declare the intent of the Legislature to enact legislation regarding the establishment of specialized hospice facilities.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) Hospice is a special type of health care service designed to
4 provide palliative care to, and to alleviate the physical, emotional,
5 social, and spiritual discomforts of, an individual who is
6 experiencing the last phases of life due to terminal illness.
7 (b) Hospice services provide supportive care to the primary
8 caregiver and family of the patient.
9 (c) Hospice services are provided primarily in the home, but
10 can also be provided in residential care or in health facility inpatient
11 settings.

1 (d) Persons who do not have family or caregivers who are able
2 to provide care in the home should be able to have care provided
3 in a homelike environment, rather than in an institutional setting,
4 if that is their preference.

5 (e) Permitting the increased access to care in specialized hospice
6 facilities provides additional care and treatment options for persons
7 who are at the end of life.

8 (f) The establishment of specialized hospice facilities is
9 permitted under federal law and by 35 other states.

10 (g) Permitting the establishment of specialized licensed hospice
11 facilities is consistent with federal legal affirmations of each
12 person's preferences for end-of-life care.

13 (h) Permitting the establishment of specialized hospice facilities
14 is consistent with the decision of the United States Supreme Court
15 in *Olmstead v. L.C. ex rel. Zimring* (1999) 527 U.S. 581, which
16 held that persons with disabilities have the right to live in the most
17 integrated setting possible with appropriate access to care and
18 choice of community-based services and placement options.

19 SEC. 2. It is the intent of the Legislature to enact legislation
20 that would authorize the establishment of specialized hospice
21 facilities to improve access to care, to provide an additional care
22 option, and to provide a home like environment within which to
23 provide care and treatment for persons who are experiencing the
24 last phases of life.